

**Department of Environmental Conservation  
Response to Comments**

**For**

**Hydrostatic and Aquifer Pump Testing General Permit  
APDES Permit No. AKG003000**

**Public Noticed June 25, 2019 – July 26, 2019**

**August 22, 2019**



**Alaska Department of Environmental Conservation  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501**

## **1 Introduction**

### **1.1 Summary of Facility / Permit**

Hydrostatic discharges eligible for coverage under this statewide General Permit including flushing will consist of either potable or non-potable water discharges used to pressurize a tank or vessel to conduct leak detection tests. The discharged water will be free of any additives and primary contaminants that would consist of suspended solids, residual chlorine, and petroleum hydrocarbon residue present in used hydrocarbon transport pipes and storage tanks. This permit also authorizes hydrostatic testing where water is placed within a tank or vessel under atmospheric pressure to detect leaks and the flushing of public water supply lines and storage tanks. The flushing of water lines or tanks often occurs following a new installation where the line or tank may be super chlorinated to disinfect prior to use.

Aquifer pump testing discharges covered under this statewide General Permit are for mineral mining and exploration activities only and would consist of groundwater pump tests conducted to determine well yields, recharge rates, and hydrogeological conditions. Aquifer pump testing discharges would contain pumped groundwater from a water well discharged to either the surface or to a water body. The primary pollutants would be suspended solids, dissolved solids, and potentially naturally occurring trace metals.

### **1.2 Opportunities for Public Participation**

The Department of Environmental Conservation proposes to reissue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit for excavation dewatering. To ensure public, agency, and tribal notification and opportunities for participation, the Department completed the following:

- identified the permit on the annual Permit Issuance Plan posted online at:  
<http://dec.alaska.gov/water/wastewater/>
- notified potentially affected tribes that the Department would be working on this permit via letter, fax and/or email
- posted a preliminary draft of the permit on-line for a 10-day applicant review 06/07/2019 – 06/20/2019 and notified tribes and other agencies
- formally published public notice of the draft permit on June 25, 2019 in Anchorage Daily News, Juneau Empire, and Fairbanks Daily Newsminer and posted the public notice on the Department's public notice web page
- posted the proposed final permit on-line for a 5-day applicant review
- sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permits were available for review

The Department received comments from one interested party on the draft permit and supporting documents. The Department also requested comment from the Departments of Natural Resources (DNR) Fish and Game (DFG), the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency (EPA).

This document summarizes the comments submitted and the justification for any action taken or not taken by DEC in response to the comments.

### **1.3 Final Permit**

The final permit was adopted by the Department on August 22, 2019. There were changes from the public noticed permit. Significant changes are identified in the response to comments and reflected in the final fact sheet for the permit.

## **2 Comments Related to Permit Coverage Comment Summary – Individual Permit**

The Department received a comment regarding Part 1.5 Requiring an Individual Permit. The commenter recommended modifying Part 1.5.2 to include other general permits as an option for alternative permits before requiring an applicant to obtain an individual permit when the wastewater discharge does not meet the eligibility criteria of the permit.

### **Response:**

DEC agrees and modified the permit Part 1.5.2 to include the option for other general permits to be considered before requiring an individual permit.

### **2.2 Comment Summary – Eligibility and Automatic Authorization**

The Department received a comment regarding Permit Part 1.2 to include language for automatic authorization as part of the permit eligibility.

### **Response:**

Automatic authorization (Part 2.1.3) is already included by reference by Part 2.1. No changes were made to the permit based on this comment.

## **3 Comments on Monitoring Requirements**

### **3.1 Comment Summary: Discharge Monitoring Reports (DMRs)**

The commenter noted that the due date for DMRs under Table 1 is shown at a frequency of monthly; however, discussions in Table 1 and Section 6.2 indicate they are required to be submitted at the end of the project (with the NOT) or annually no later than the 28<sup>th</sup> day of the month past the annual authorization date. Additionally, Appendix A Parts 3.2.1 and 3.2.3 indicate that DMRs have to be submitted monthly by the 15<sup>th</sup> of the following month.

The commenter recommends modifying the frequency in Table 1 to state “with NOT or annually from authorization date” and to provide clarification in Table 1 and Section 6.2 specifying the date provided in these sections supersedes the date shown in Appendix A Parts 3.2.1 and 3.2.3. This would align with clarification provided in other APDES permits that have been issued.

Furthermore, if DMRs are required to be completed for each month during the applicable timeframe it is recommended to provide clarity around this point.

Table 1 and Section 6.2 currently indicate that DMRs be submitted to the Permitting Program. However, Appendix A Section 3.2.2 indicates that DMRs be submitted to the Compliance and Enforcement Program. Commenter requests clarification as to the appropriate program to submit DMRs.

**Response:**

See Permit Part 6.4 - *Standard Conditions Applicable to Recording and Reporting* which stipulates that the permittee must comply with the recording and reporting requirements as described in Appendix A, Standard Conditions unless specified in the body of the permit. Only one DMR is required to be completed for the entire length of the project (start to end dates) and is to be submitted to the Permitting Program shortly after the project end date when filing a Notice of Termination (NOT) or annually, whichever is sooner, which is reflected in the body of the permit and supersedes the Appendix A, Standard Conditions. Table 1 was modified to include Part 6.4 as well as inclusion of a footnote in Part 6.2 to refer to Part 6.4 for the difference in reporting agency and due date, and the frequency was modified as well.

The estimated project end date supplied in the NOI is used by DEC to anticipate when the permittee will file the DMR with a NOT. DEC has included a NOI modification requirement (Part 2.5 – Submittal of a Modification to Original NOI) for when the estimated project start or end dates may need be modified by the permittee. Therefore, if the project is still ongoing and is anticipated to extend beyond the original estimate provided in the NOI, the permittee will need to communicate this via a NOI modification. Note, no additional permit fee is required when submitting an NOI modification.

**3.2 Comment Summary**

The commenter noted that their understanding is that TAH/TAqH monitoring is required for existing infrastructure that is known to have come into contact with hydrocarbons. Additionally, if a sheen is observed for discharges from existing and/or new/unused infrastructure, then TAH/TAqH monitoring is also required at that point in time.

TAH/TAqH monitoring is indicated as being required before discharge. This implies that results are required to be received in advance of a discharge event. In order to accommodate this for a hydrotest, it often requires that the hydrotest be conducted, then the fluids retained onsite for a minimum of three days until analytical results can be received before discharges can occur. This expands project related timeframes and activities. The commenter recommends modifying this requirement to “once per event”. This aligns with other APDES permits that have been issued for hydrotest activities.

**Response**

DEC concurs with the recommendation and has modified Table 4 monitoring frequency for TAH and TAqH to “once per event”.

**3.3 Comment Summary – Definitions**

The commenter recommends including fluids associated with pipeline/tank cleaning, maintenance, and pigging operations in the definition of hydrostatic test water.

**Response**

DEC concurs and has modified the definition of hydrostatic test water.